

|   |  |   |
|---|--|---|
| U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE  |  | DATE: <u>13</u> September 2004 (13.09.2004)             |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371  |  | U.S. APPLN. NO. (if known):<br>Not Yet Assigned         |
| INTERNATIONAL APPLICATION NO.:<br>PCT/EP03/02467  | INTERNATIONAL FILING DATE:<br>11 March 2003 (11.03.2003) | PRIORITY DATE CLAIMED:<br>14 March 2002 (14.03.2002) EP |
| TITLE OF INVENTION: USE OF PROTON PUMP INHIBITORS FOR THE TREATMENT OF AIRWAY DISORDERS   |  |   |
| APPLICANT(S) FOR DO/EO/US: SIMON, Wolfgang-Alexander  |  |   |
| Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |  |   |
| <p>1. <u>X</u> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <u>  </u> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <u>X</u> This express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.</p> <p>4. <u>X</u> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <u>X</u> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <p style="margin-left: 40px;">a. <u>X</u> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <u>  </u> has been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <u>  </u> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <u>  </u> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>7. <u>X</u> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 40px;">a. <u>  </u> are attached hereto (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <u>  </u> have been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <u>  </u> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 40px;">d. <u>X</u> have not been made and will not be made.</p> <p>8. <u>  </u> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <u>X</u> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) as provided in the PCT Request.</p> <p>10. <u>  </u> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> |  |   |
| ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:   |  |   |
| <p>11. <u>  </u> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <u>  </u> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <u>X</u> A <b>FIRST</b> preliminary amendment.</p> <p>14. <u>  </u> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment</p> <p>15. <u>  </u> A substitute specification.</p> <p>16. <u>  </u> A change of power of attorney and/or address letter.</p> <p>17. <u>  </u> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>18. <u>  </u> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>19. <u>  </u> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>20. <u>X</u> Other items or information:</p>  |  |   |
| APPLICATION DATA SHEET; TRANSMITTAL FORM; FEE CALCULATION; INTERNATIONAL PUBLICATION WO 03/075926 A1 WITH INTERNATIONAL PUBLICATION DATE OF 18 SEPTEMBER 2003 WITH SEARCH REPORT WHICH CONSISTS OF 7 PAGES INCLUDING 1 CORRECTED COVER SHEET CONTAINING THE ABSTRACT; 1 COVER SHEET CONTAINING THE ABSTRACT; 4 PAGES TEXTUAL SPECIFICATION, 1 PAGE S OF 9 CLAIMS, 0 SHEETS DRAWINGS; PRELIMINARY AMENDMENT WITH APPENDIXES A & B TO BE EXAMINED; PCT REQUEST WITH EXECUTED INVENTORS' SIGNATURES; PCT/IPEA/409 INTERNATIONAL PRELIMINARY EXAMINATION REPORT; PCT/IB/371 NOTIFICATION RELATING TO DECLARATION MADE UNDER PCT RULE 4.17; PCT/IB/308 NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES; PCT/IB/332 INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION.   |  |   |

ATTORNEY'S DOCKET NO: 26307

|  |   |   |
|--|---|---|
| U.S. APPLICATION NO.<br>(if known) not yet assigned<br><div style="font-size: 2em; font-weight: bold;">10/507500</div> | INTERNATIONAL APPLICATION NO.<br><br>PCT/EP03/02467 | DATE: <b>13</b> September 2004 ( <del>13</del> 9/12/2004) |
|--|---|---|

|   |   |                     |
|---|---|---------------------|
| 17. <input checked="" type="checkbox"/> The following fees are submitted:<br><br><b>Basic National Fee (37 CFR 1.492(a)(1)-(5):</b><br>Search Report has been prepared by the EPO or JPO:.....\$920.00<br><br>International preliminary examination fee paid<br>to USPTO (37 CFR 1.482).....\$730.00<br><br>No international preliminary examination fee paid<br>to USPTO (37 CFR 1.482) but international search fee<br>paid to USPTO (37 CFR 1.445(a)(2)).....\$770.00<br><br>Neither international preliminary examination fee<br>(37 CFR 1.482) nor international search fee<br>(37 CFR 1.445(a)(2)) paid to USPTO.....\$1080.00<br><br>International preliminary examination fee<br>(37 CFR 1.482) and all claims satisfied provisions<br>of PCT Article 33(2)-(4) IPEA-U.S.....\$ 100.00<br><br><div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div> | <u>CALCULATIONS</u><br><br>\$ 920.00<br><br><br><br><br><br><br><br><br>\$ 920.00 | <u>PTO USE ONLY</u> |
|---|---|---------------------|

|  |    |  |
|--|----|--|
| Surcharge of \$130.00 for furnishing the oath or declaration later than ____ 20<br>____ 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | \$ |  |
|--|----|--|

| CLAIMS   | NO. FILED | NO. EXTRA | RATE       |               |        |
|--|-----------|-----------|------------|---------------|--------|
| TOTAL  | 6 -20=    | 0         | X \$ 18.00 | \$            | .00    |
| INDEPENDENT  | 2 - 3=    | 0         | X \$ 18.00 | \$            | .00    |
| Multiple dependent claims(s) (if applicable)   |           |           | + \$280.00 | \$            | 0.00   |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |           |           |            | \$            | 920.00 |
| Reduction by 2 for asserting small entity, if applicable.<br>(Note 37 CFR 1.9, 1.27, 1.28).  |           |           |            | \$            | 0.00   |
| <b>SUBTOTAL =</b>  |           |           |            | \$            | 920.00 |
| Processing fee of \$130.00 for furnishing the English translation later than ____ 20<br>____ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).              |           |           |            | \$            | 0.00   |
| <b>TOTAL NATIONAL FEE =</b>  |           |           |            | \$            | 920.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be<br>accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).<br>\$40.00 per property + |           |           |            | \$            | .00    |
| <b>TOTAL FEES ENCLOSED =</b>   |           |           |            | \$            | 920.00 |
|  |           |           |            | Amount to be: |        |
|  |           |           |            | refunded      | \$     |
|  |           |           |            | charged       | \$     |

10/507500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DT04 Rec'd PCT/PTO 13 SEP 2004

In re Application of:

SIMON, Wolfgang-Alexander

International Application No. PCT/EP03/02467

Serial No. NOT YET ASSIGNED

International Filing Date: 11 March 2003 (11.03.2003)

Filed: September 13, 2004

For: **USE OF PROTON PUMP INHIBITORS FOR THE TREATMENT OF AIRWAY DISORDERS**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

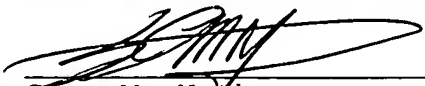
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Application Data Sheet;
- (3) Transmittal Letter To U.S. Designated/Elected Office  
(DO/EO/US) Concerning Filing under 35 U.S.C. 371
- (4) International Publication No: WO 03/075926 A1; International  
Publication Date: 18 September 2003 (18.09.2003)  
which consists of 7 pages including:
  - 1 corrected cover sheet containing the Abstract,
  - 1 cover sheet containing the Abstract,
  - 4 pages Textual Specification,
  - 1 pages of 9 claims,
  - 0 sheets of Drawings;
- (5) **Preliminary Amendment with Appendixes A & B to be examined;**
- (6) **PCT Request with Executed Inventor's signatures;**
- (7) PCT/IPEA/409 International Preliminary Examination Report;
- (8) PCT/IB/371 Notification Relating to Declaration Made Under  
PCT Rule 4.17;
- (9) PCT/IB/308 Notice Informing the Applicant of the  
Communication of the International Application to the  
Designated Offices;
- (10) PCT/IB/332 Information Concerning Elected Offices Notified  
of Their Election;
- (11) Check No. 21705 \$ 920.00 for Government Filing Fee;
- (12) Postcard for early notification of serial number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By:

  
\_\_\_\_\_  
Gary M. Nath  
Registration No. 26,965  
Sheldon M. McGee  
Registration No. 50,454  
Customer No. 34375

Date: September 13, 2004  
NATH & ASSOCIATES PLLC  
1030<sup>th</sup> 15<sup>th</sup> Street, NW - 6<sup>th</sup> Floor  
Washington, D.C. 20005  
GMN/SMM/ng/PCT.NATLphase.GMN

ATTORNEY'S DOCKET NO: 26307

|   |  |   |
|---|--|---|
| U.S. APPLICATION NO.<br>(if known) not yet assigned<br><b>10/507500</b> | INTERNATIONAL APPLICATION NO.<br><br><b>PCT/EP03/02467</b> | DATE: September 2004 ( .09.2004)<br><b>13</b> <b>13</b> |
|---|--|---|

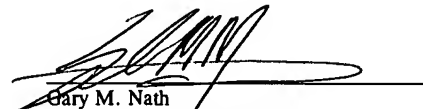
- a. ☒ One check in the amount of \$ 920.00 to cover the above fees are enclosed.
- b. ☐ Please charge my Deposit Account No. 14-0112 in the amount of \$ \_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0112.
- d. Fees are to be charged to a credit card ☐ WARNING: Information on this form may become public ☐ Credit Card Information should not be included on this form. ☐ Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

Gary M. Nath  
 NATH & ASSOCIATES PLLC  
 1030 15<sup>th</sup> Street, N.W.  
 Sixth Floor  
 Washington, D.C. 20005

(202) 775-8383 (phone)  
 (202) 775-8396 (fax)

  
 Gary M. Nath  
 Registration Number 26,965  
 Sheldon M. McGee  
 Registration No. 50,454  
 Customer No. 34375